

AMENDED IN SENATE MARCH 24, 2003

SENATE BILL

No. 406

Introduced by Senator Florez

February 20, 2003

~~An act relating to highways. An act to amend Section 8594 of the Government Code, relating to the emergency alert system.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 406, as amended, Florez. ~~Highway signs: Amber Emergency Alert System: electronic highway signs: maintenance.~~

Existing law requires a law enforcement agency to request activation of an Emergency Alert System, ~~known as the Amber Alert System~~, within the appropriate local area, if (1) the agency is informed of the abduction of either a child 17 years of age or younger or an individual with a proven mental or physical disability, (2) the agency determines the victim is in imminent danger of serious bodily injury or death, and (3) there is information available that, if disseminated to the general public, would assist with the safe recovery of the victim.

~~This bill would require the Department of Transportation to establish and maintain a program for the maintenance of the electronic highway signs used by the Amber Alert System, within the extent of the department's existing resources. The bill would require the department, to the extent that the maintenance program is not fully implemented, to notify the Joint Committee on Legislative Budget within 24 hours, and would require the department to submit an annual report to the Assembly and Senate budget subcommittees on transportation regarding its ability to meet these requirements.~~

This bill would require every person or entity, including a state or local government agency, that uses state funds to establish or manage

an Internet Web site to include on the Web site a prominent display of all information disseminated pursuant to the Emergency Alert System. This display would be required to include within the text of the information a hyperactive link that will take an Internet browser to the Web site of the California Highway Patrol.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. (a) The Department of Transportation shall~~

SECTION 1. Section 8594 of the Government Code is amended to read:

8594. (a) If an abduction has been reported to a law enforcement agency and the agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted and is in imminent danger of serious bodily injury or death, and there is information available that, if disseminated to the general public, could assist in the safe recovery of the victim, the agency, through a person authorized to activate the Emergency Alert System, shall, absent extenuating investigative needs, request activation of the Emergency Alert System within the appropriate local area. Law enforcement agencies shall only request activation of the Emergency Alert System for an abduction if these requirements are met. The Emergency Alert System is not intended to be used for abductions resulting from custody disputes that are not reasonably believed to endanger the life or physical health of a child.

The California Highway Patrol, if requested by a law enforcement agency, shall activate the system.

(b) The California Highway Patrol, in consultation with the Department of Justice, as well as a representative from the California State Sheriffs' Association, the California Police Chiefs' Association, and the California Peace Officers' Association, shall develop policies and procedures providing instruction specifying how law enforcement agencies, broadcasters participating in the Emergency Alert System, and any other intermediate emergency agencies that may institute activation of the Emergency Alert System, and, where appropriate, other supplemental warning systems, shall proceed

after a qualifying abduction has been reported to a law enforcement agency. Those policies and procedures shall include, but not be limited to:

(1) Procedures for transfer of information regarding the abducted victim and abduction from the law enforcement agency to the broadcasters;

(2) Specification of the event code or codes that should be used if the Emergency Alert System is activated to report a qualifying child abduction;

(3) Recommended language for an abduction alert;

(4) Specification of information that must be included by the reporting law enforcement agency, including which agency a person with information relating to the abduction should contact and how the person should contact the agency; and

(5) Recommendations on the extent of the geographical area to which a child abduction emergency alert should be broadcast.

(c) The California Highway Patrol, in consultation with the Department of Justice, shall review the Amber Plan as adopted by other states and Orange County's Child Abduction Regional Emergency Alert Program for guidance in developing appropriate policies and procedures for use of the Emergency Alert System and, where appropriate, other supplemental warning systems to report qualifying abductions.

(d) The California Highway Patrol, in conjunction with the Department of Justice, shall develop a comprehensive child abduction education system to educate children in the state on the appropriate behavior to deter abduction. The California Highway Patrol shall convene a group consisting of a representative from the California State Sheriffs' Association, the California Police Chiefs' Association, and the California Peace Officers' Association, representatives of advocacy groups, and the Department of Education to assist in the development of a plan.

(e) Every person or entity, including a state or local government agency, that uses state funds to establish or manage an Internet Web site shall include on the Web site a prominent display of all information disseminated pursuant to the Emergency Alert System. This display shall include within the text of the information a hyperactive link that will take an Internet browser to the Web site of the California Highway Patrol.

~~1 establish and maintain a regular maintenance program for the
2 electronic highways signs used by the Emergency Alert System set
3 forth in Section 8594 of the Government Code, also known as the
4 Amber Alert System, within the extent of the department's
5 existing resources.~~

~~6 (b) To the extent that the maintenance program is not fully
7 implemented, the department shall notify the Joint Committee on
8 Legislative Budget within 24 hours.~~

~~9 (c) The department shall submit an annual report to the
10 Assembly and Senate budget subcommittees on transportation,
11 regarding its ability to meet its requirements under this section.
12 The annual report shall include information about staffing levels,
13 training offered, and the average number of hours allocated per
14 maintenance need for each location.~~

